

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

MICHELLE EVENS, and
BROOKS EVENS,

Plaintiffs,

v.

RICHARD CURTIS GUYER,

Defendant.

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No. 4:16-cv-00181-TWP-TAB

ENTRY ON JURISDICTION

It has come to the Court's attention that Defendant's Notice of Removal fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Notice of Removal alleges that this Court has jurisdiction based upon diversity of citizenship. However, the Notice of Removal fails to sufficiently allege the citizenship of the parties. Citizenship is the operative consideration for jurisdictional purposes. *See Meyerson v. Harrah's East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002) ("residence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction").

The Notice of Removal alleges that "Plaintiffs are, and at all times relevant hereto were, residents of Jeffersonville, Clark County, Indiana," and "Defendant is, and at all times relevant hereto was, a resident of Denver, North Carolina." ([Filing No. 1 at 1.](#)) These allegations of residency, not citizenship, are not sufficient to allow the Court to determine whether diversity jurisdiction exists.

Therefore, the Defendant is **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court's jurisdiction over this case. This statement should specifically identify the citizenship of the parties. This jurisdictional statement is due **fourteen (14) days** from the date

of this Entry. Additionally, the Defendant was required to file the state court record with his Notice of Removal. However, the state court record filed with the Notice of Removal does not include the Plaintiffs' Complaint. Therefore, the Defendant is **ORDERED** to file with his Supplemental Jurisdictional Statement the entire state court record, including the Complaint and any other filings that may be missing from the record.

SO ORDERED.

Date: 10/27/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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